

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20939

Application 30471 of Jamieson Vineyards

c/o Raymond Vineyard and Cellar, 849 Zinfandel Lane, St. Helena, CA 94574

filed on August 9, 1995, has been approved by the State Water Resources Control Board
SUBJECT TO PRIOR RIGHTS and to the limitations and conditions of this permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

Two Unnamed Streams

Fagan Creek thence

Fagan Slough thence

Napa River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section *	Township	Range	Base and Meridian
North 1,200 feet and East 1,400 feet from SW corner of Section 8	SW¼ of SW¼	8	4N	3W	MD
South 2,050 feet and West 1,250 feet from NE corner of Section 7	SE¼ of NE¼	7	4N	3W	MD

County of Napa

* projected.

3. Purpose of use:	4. Place of use:	Section *	Township	Range	Base and Meridian	Acres
Stockwatering	Reservoir #1 & #2	7 & 8	4N	3W	MD	
Recreational	Reservoir #1 & #2	7 & 8	4N	3W	MD	
Fire Protection	Reservoir #1 & #2	7 & 8	4N	3W	MD	
Irrigation	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	7	4N	3W	MD	5
	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	7	4N	3W	MD	27
	NW $\frac{1}{4}$ of SE $\frac{1}{4}$	7	4N	3W	MD	25
	NE $\frac{1}{4}$ of SE $\frac{1}{4}$	7	4N	3W	MD	15
	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	7	4N	3W	MD	10
	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	7	4N	3W	MD	27
	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	8	4N	3W	MD	5
	NE $\frac{1}{4}$ of NW $\frac{1}{4}$	8	4N	3W	MD	12
	SW $\frac{1}{4}$ of NW $\frac{1}{4}$	8	4N	3W	MD	42
	SE $\frac{1}{4}$ of NW $\frac{1}{4}$	8	4N	3W	MD	39
	NW $\frac{1}{4}$ of NE $\frac{1}{4}$	8	4N	3W	MD	7
	SW $\frac{1}{4}$ of NE $\frac{1}{4}$	8	4N	3W	MD	16
	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	8	4N	3W	MD	32
	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	8	4N	3W	MD	39
	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	8	4N	3W	MD	3
	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	8	4N	3W	MD	13
					TOTAL	317

* projected

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed a total of 50 acre-feet per annum to be collected from November 1 of each year to April 1 of the succeeding year as follows: 34 acre-feet per annum in Reservoir #1, and 16 acre-feet per annum in Reservoir #2.

(0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

(000005I)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

7. Construction work shall be prosecuted with reasonable diligence and shall be completed by December 31, 1998.

(0000008)

8. Complete application of the water to the authorized use shall be made by December 31, 2003.

(0000009)

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued.

(0000010)

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

11. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the

Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest; and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

13. Permittee shall install and maintain, satisfactory to the State Water Resources Control Board, an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the Board, in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Permittee shall submit plans and specifications of the outlet pipe or alternative facility to the Chief of the Division of Water Rights for approval within six months of the date upon which the Board issues notice that an outlet is required. Permittee shall furnish evidence which substantiates that the outlet pipe or alternative facility has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0050044)

14. Permittee shall install and properly maintain in the reservoir measuring devices, satisfactory to the State Water Resources Control Board, upstream and downstream of the reservoir for the purpose of measuring the flow into and out of the permittee's reservoir during the non-storage/diversion season.

(0000047)

15. The total quantity of water diverted under this permit, together with that diverted under the permit issued pursuant to Application 28877, shall not exceed 98 acre feet.

(0000114)

16. To mitigate for the lost riparian vegetation in the upper reaches of Reservoir #1, the applicant, in consultation with the Natural Resources Conservation Service, shall plant Willow Springs and other riparian species along the southwest bank as well as the upper reach of the enlarged reservoir. The vegetation will be planted in the ground at a depth of 3 to 4 feet and the tops trimmed to about 8-inches to reduce the risk of drying. The applicant shall drip irrigate all plantings during the first year to ensure the establishment of a sound root system.

(0400500)

17. For the protection of the archeological site identified as Penny-Lawson #1, no ground disturbing activities required for the enlargement of Jamieson Vineyards Reservoir #1 (aka POD #1) shall be allowed to impact the archeological deposit. Such activities include, but are not limited to, the reconstruction of the earthfill dam, the acquisition of fill materials, the grading and contouring of the reservoir basin, and the relocation of the dirt road around the present reservoir. Additionally, no access to the archeological deposit will be allowed for construction equipment (i.e., tracked or cleated vehicles). The archeological deposit shall be clearly flagged for avoidance and construction crews shall be directed to avoid the site during all phases of the proposed project.

Should any buried archeological materials be uncovered during project activities, such activities shall cease within 100 feet of the discovery. The Chief of the Division of Water Rights shall be notified of the discovery and a professional archeologist shall be retained by the applicant to evaluate the findings and recommend appropriate mitigation. The suspended construction activities shall resume only after the completion of the recommended mitigation, subject to the approval of the Chief of the Division of Water Rights.

(0380500)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: **OCTOBER 16 1997**

STATE WATER RESOURCES CONTROL BOARD

Roger [Signature]
for Chief, Division of Water Rights